

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:89CV1988
)	
)	
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	Magistrate Judge George J. Limbert
v.)	
)	
INDUSTRIAL EXCESS LANDFILL,)	
INC., ET AL.,)	
)	
Defendants.)	

STATE OF OHIO, ET AL.,)	CASE NO. 5:91CV2559
)	
)	
)	
Plaintiffs)	JUDGE PETER C. ECONOMUS
)	Magistrate Judge George J. Limbert
v.)	
)	
INDUSTRIAL EXCESS LANDFILL,)	
INC., ET AL.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

On October 24, 2008, the Honorable Peter C. Economus referred the above-captioned matters for resolution of cross-claims between the defendants. ECF Dkt. #658¹. On December 9, 2008, the undersigned conducted a mediation to resolve the cross-claims, where Attorneys Carter

¹ Electronic Case Filing references correspond to Case No. 5:89CV1988.

E. Strang, Gary Justis, Matthew Yackshaw, and Peter P. Stinson, as well as Charles Kittinger, pro se, were in attendance. The parties agreed to settle their remaining cross-claims against each other by agreeing to a dismissal with prejudice of any cross-claim and/or appeal they have filed. The undersigned memorialized this agreement in the Minutes of Proceedings of that same date.

As of today, however, the above-referenced cross-claims remain outstanding. Accordingly, Judge Economus has renewed his referral for resolution of all remaining cross-claims. ECF Dkt. #671.

Pursuant to the agreement reached by the parties at the December 9, 2008 mediation and memorialized in the Minutes of the same, the undersigned RECOMMENDS that the Court enter an Order that:

- 1) all cross-claims asserted by all defendants are dismissed with prejudice;
and
- 2) each party shall bear its own costs and attorney's fees in connection with the above-referenced cross-claims.

DATE: February 18, 2009

s/ George J. Limbert
GEORGE J. LIMBERT
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).